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被告律师
福建省晋华集成电路有限公司

美国加利福尼亚州北区

联邦地区法院

旧金山分庭

美利坚合众国，

原告，

诉

福建省晋华集成电路有限公司等，

被告。

案件号：3:18-cr-00465-MMC

郑进福关于被告证人尤振富、吴俊生出行安排的第二份声明

法官：尊敬的 Maxine M. Chesney
庭审日期：2022 年 2 月 28 日

1 本人，郑进福，声明并作出以下陈述：

2 1. 我英语说得不流利，因此以我的母语中文普通话作出此声明。

3 2. 我已年满二十一（21）岁。我是中华人民共和国（“中国”）公民。本声
4 明基于我的个人所知、公开信息以及晋华的律师所提供的信息。如被传唤，我完全有能力
5 为本文所述事项作证。

6 3. 我是被告福建省晋华集成电路有限公司（“晋华”）的副总经理，负责管理
7 包括本案在内的晋华的法律事务。此前，我曾于 2022 年 5 月 2 日提交过一份声明，我在
8 该声明中解释了如晋华证人尤振富和吴俊生先生赴美并在本案法庭前作证，其很可能将面
9 临的困难。

10 4. 如我在前述声明中所述，当时存在几个问题可能导致证人返程面临严重延迟。
11 参见 Dkt. 459-1 号文件。虽然上海及中国其他地区因新冠疫情而实施的管控措施已趋缓和，
12 但这些问题中的大多数依然存在。根据我的审阅，我理解即使证人不是新冠阳性且中国国
13 内疫情继续改善，证人很可能至少需要 5 周时间才能回家。在最糟的情况下，他们可能需
14 要几个月后才能回家与家人团聚。

15 5. 为参加本案庭审而前往美国一事，根据我们于 2022 年 6 月 9 日从各航空公
16 司、一个机票预订网站以及与一位票务代理沟通所获得的信息，¹我理解从中国前往美国
17 旧金山的航班尚有余票，因此尤先生和吴先生可于 6 月 21 日前抵达旧金山。因为缺少直
18 飞航班，两位证人从其居住地中国晋江抵达旧金山需要 20 小时以上时间。如我在 2022 年
19 5 月 2 日声明中所述，证人出行的主要障碍在于由美国至中国的返程。

20 6. 第一，目前所有自美国赴华人员在登机前，仍必须在美国进行多次新冠防疫
21 检测。例如，中国驻旧金山总领事馆仍然要求赴华人员在登机前 24 小时内进行 2 次 rt-
22 PCR 核酸检测，并在登机前 12 小时内进行 1 次抗原检测。上述检测必须在旧金山的指定机
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26 ¹查询信息的多种途径包括：与目前提供中美之间直飞航班的航空公司电话咨询、
27 在中国最大的旅行信息网站携程旅行网（<https://www.ctrip.com/>）检索航班、咨询至少一
28 位票务代理。

1 构进行²，并且整个旧金山湾区只有两家指定机构³。我理解如果证人从美国其他的城市返
 2 回中国也将适用同样的流程。⁴ 所有旅客在登机前都必须向中国驻美国使、领馆提交阴性
 3 检测结果以获取“健康码”。⁵健康码对于任何入境中国的人来说都是必需的，包括非中
 4 国籍人士。如果证人在以上任何被要求的检测中结果呈阳性，他们将无法获得健康码。如
 5 果旅客的检测呈阳性，则其必须在新冠感染康复后，再等待 6 周，其后方能重新进行上述
 6 检测（参见下文第 11 段）。

7 7. 第二，尤先生和吴先生仍然难以买到从美国到中国的返程机票。中国驻美国
 8 使、领馆仅向搭乘直飞航班前往中国的旅客发放健康码。⁶ 因此，希望从美国返回中国的
 9 人无法经第三国或地区（如日本、香港、泰国或新加坡）转机。如果赴华旅客这样做，他
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12 ² 中国驻旧金山总领事馆官方网站，《赴华人员健康码申请通知》（2022 年 5 月
 13 20 日更新），[http://sanfrancisco.china-](http://sanfrancisco.china-consulate.gov.cn/eng/zytz/202201/t20220109_10480334.htm)
 14 [consulate.gov.cn/eng/zytz/202201/t20220109_10480334.htm](http://sanfrancisco.china-consulate.gov.cn/eng/zytz/202201/t20220109_10480334.htm), 最后访问日期 2022 年 6 月 8
 15 日。

16 ³ 参见《中国驻旧金山总领事馆接受的新冠病毒核酸、抗原检测机构名单》，
 17 <http://sanfrancisco.china-consulate.gov.cn/zytz/202110/P020220603440327834885.pdf>, 最后访
 18 问日期 2022 年 6 月 8 日。

19 ⁴ 中华人民共和国驻美利坚合众国大使馆官方网站，《针对赴华人员的通知》
 20 （2022 年 5 月 17 日更新），[http://us.china-](http://us.china-embassy.gov.cn/eng/lsfw/sjc1/zytz_120351/202205/t20220518_10688672.htm)
 21 [embassy.gov.cn/eng/lsfw/sjc1/zytz_120351/202205/t20220518_10688672.htm](http://us.china-embassy.gov.cn/eng/lsfw/sjc1/zytz_120351/202205/t20220518_10688672.htm), 最后访问日期
 22 2022 年 6 月 8 日。

23 ⁵ 参见中华人民共和国驻美利坚合众国大使馆官方网站，《针对赴华人员的通知》
 24 （2022 年 5 月 17 日更新），“1. 赴华旅客必须在其直接飞往中国的出发城市提供用于
 25 rt-PCR 核酸和 IgM 血清抗体检测的样本……在收到报告后，旅客需要向中国驻美使、领
 26 馆（基于领事管辖权）申请健康码，在其失效前出行，并在登机前准备好接受航空公司的检
 27 查。” [http://us.china-](http://us.china-embassy.gov.cn/eng/lsfw/sjc1/zytz_120351/202205/t20220518_10688672.htm)
 28 [embassy.gov.cn/eng/lsfw/sjc1/zytz_120351/202205/t20220518_10688672.htm](http://us.china-embassy.gov.cn/eng/lsfw/sjc1/zytz_120351/202205/t20220518_10688672.htm), 最后访问日期
 2022 年 6 月 8 日。

⁶ 中华人民共和国驻美利坚合众国大使馆官方网站，《针对赴华人员的通知》
 （2022 年 5 月 17 日更新）：“11. 关于转机：

（一）驻美使馆不为从美国经第三国（地区）赴华人员签发健康码。

（二）所在国有直达赴华航班的第三国人员，请勿通过驻美使馆领区赴华，驻美使
 馆不为此类人员签发健康码……” [http://us.china-](http://us.china-embassy.gov.cn/eng/lsfw/sjc1/zytz_120351/202205/t20220518_10688672.htm)
 2022 年 6 月 8 日。

1 们将没有资格获取健康码。而没有健康码，他们将无法入境中国。尽管上海和其他中国城
2 市正在放宽防疫管制措施，这项“直飞”要求仍在执行。

3 8. 基于中国驻美国大使馆官方网站所提供的信息，我理解目前从美国任意城市
4 返回中国的直飞航班只有 9 趟。⁷ 这意味着如晋华证人来旧金山作证，他们在返回中国时
5 只能在这 9 趟航班之间进行选择。根据我于 2022 年 6 月 9 日从各航空公司、一个机票预
6 订网站以及一位票务代理沟通所获得的信息，⁸由美国飞往中国的航班机票（经济舱或
7 商务舱）至少在 6 月及 7 月上旬仍然紧缺。基于我在此前声明中陈述的原因（学生暑假高
8 峰、舱位有限、航班满载率限制等原因导致机票售罄，⁹参见 Dkt. 459-1 号文件第 4-5 页），
9 可选的最早返程机票是 7 月 8 日旧金山至上海的航班。其他美国-中国直飞航班直到 7 月
10 下旬才有余票。因此，证人需要在美国至少停留 3 周才能订到返程机票。

11 9. 第三，即使证人能够及时买到返程机票及获得出行所需的健康码，航班仍可
12 能被毫无预警地随时取消。根据中国民用航空局（“民航局”）发布的《民航局关于国际
13 定期客运航班熔断措施调整试行的通知》，¹⁰如果在一架飞往中国的航班上发现多例新冠
14 确诊病例，该航班应被暂停 2-8 周。如果证人预订的航班被取消，他们将不得不重新预订

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16 ⁷ 参见中华人民共和国驻美利坚合众国大使馆官方网站，《针对赴华人员的通知》
17 （2022 年 5 月 17 日更新）：中国驻美使、领馆为乘坐以下直飞航班人员审发健康码：美
18 国航空(AA127, 达拉斯-上海), 达美航空(DL283, 底特律-上海, DL287, 西雅图-上海), 联合
19 航空(UA857, 旧金山-上海), 中国国际航空(CA988, 洛杉矶-北京/天津, CA770, 洛杉矶-深
20 圳), 中国南方航空(CZ328, 洛杉矶-广州), 厦门航空(MF830, 洛杉矶-厦门), 中国东方航空
(MU588, 纽约-上海). http://us.china-embassy.gov.cn/eng/lsw/sjc1/zytz_120351/202205/t20220518_10688672.htm, 最后访问日期
2022 年 6 月 8 日。

21 ⁸查询信息的多种途径包括：与目前提供中美之间直飞航班的航空公司电话咨询、
22 在中国最大的旅行信息网站携程旅行网（<https://www.ctrip.com/>）检索航班、咨询至少一位
票务代理。

23 ⁹ 由于上海和中国其他主要城市新冠疫情爆发，今年早些时候，抵达这些城市（包
24 括上海）的国际航班被要求减少客座率。目前入境上海的国际航班客座率为 60%，这比 5
月份（40%）略好，但仍限制了飞往中国的航班舱位数。

25 ¹⁰ 参见《民航局关于国际定期客运航班熔断措施调整试行的通知》，
26 http://www.caac.gov.cn/XXGK/XXGK/TZTG/202104/t20210429_207386.htm，最后访问日期
2022 年 6 月 8 日；英文版，参见
27 <http://www.caac.gov.cn/en/XWZX/202104/P020210429433858261746.pdf>，最后访问日期
2022 年 6 月 8 日。

最早的机票，并重新办理中国大使馆或领事馆要求的行前手续，这将进一步延误他们的返程。事实上，最近有两条美国至中国航线（中国南方航空公司运营的洛杉矶至广州航线和厦门航空公司运营的洛杉矶至厦门航线）因这一“熔断机制”而被暂停，¹¹这意味着晋华的证人将更难获得返程票。

10. 第四，检方建议晋华应包机解决出行问题。然而，这并非可行的解决方案。首先，往返美国和中国之间的包机成本过高。晋华的美国律师联系了一位旅行中介，该中介告知从旧金山到上海的私人飞机报价为 884,000.00 美元（直飞）或 665,000.00 美元（中停一站）。此外，本人理解，拟包机的公司必须获得批准，例如入境城市主管政府部门签发的接收函。¹²在咨询了至少两家旅行社后，我被告知此类批准申请过程非常耗时，且很少获得批准。我联系了泉州市（晋江市所在地）和厦门市（有国际机场）的一些政府部门，他们告诉我，他们没有处理此类申请的经验。不过，我被建议可以参考上海市新型冠状病毒肺炎疫情防控工作领导小组办公室发布的《疫情期间企业申请公务机经上海入境工作指引》（“《指引》”）（仅适用于上海企业）。该《指引》规定了类似申请的基本程序。例如，申请人必须获得至少三级批准方可搭乘公务机入境上海：（1）区政府（企业注册地或其主要营业地）的批准；（2）上海市政府批准；（3）民航局的批准。¹³本人理解，公务机入境在福建的申请程序可能与上海的相类似，晋华可能需要数周或数月的时间才能

¹¹ “……5月20日入境的厦门航空公司MF830航班（洛杉矶至厦门，周五入境）确诊新冠肺炎旅客5例，自6月6日起，分别暂停……该航班运行2班。5月24日入境的中国南方航空公司CZ328航班（洛杉矶至广州，周二入境）确诊新冠肺炎旅客10例，自6月13日起，暂停该航班运行4班。上述熔断的航班量不得用于其它航线。”
http://www.caac.gov.cn/XWZX/MHYW/202206/t20220601_213527.html，最后访问日期2022年6月8日。

¹² 《民航局：疫情防控指南再升级 持续优化措施防输入》，“之前民航局暂停了所有境外飞我国的公务包机，而随着国际疫情发展变化，民航局适时调整疫情期间公务机审批工作程序，从严把控入境公务机计划审批。自3月25日开始，明确执行政府需求的入境公务机，组团单位需提供省部级以上部门出具的证明函；其他入境公务机需提供目的地机场所在地的副省级以上地方政府联防联控机制出具的接收函。”
http://www.gov.cn/xinwen/2020-04/07/content_5499730.htm，最后访问日期2022年6月8日。

¹³ 上海市新型冠状病毒肺炎疫情防控工作领导小组办公室：《疫情期间企业申请公务机经上海入境工作指引》（2020年9月1日），
<https://www.gzw.sh.gov.cn/cmsres/8d/8ddb2c7fc34b46b7b524a780ac10e688/c88553ee0337a0b96aeea370ebac7a23.pdf>。

1 获得相关批准。此外，本人理解，中国驻美国大使馆和/或领事馆颁布的针对赴华人员的
2 所有行前要求也同样适用于包机乘客。¹⁴

3 11. 第五，除了难以获得返程机票外，感染新冠病毒也可能进一步推迟晋华证人
4 的返程。一旦证人在美国感染新冠病毒、有疑似症状、或密切接触感染病例，其将不得不
5 在美国停留较长且不确定的时间。更具体地说，受新冠病毒感染的人必须在美国停留至少
6 7-8 周（包含康复时间），并完成三步程序，才能向中国大使馆或领事馆申请并获得返回
7 中国所需的健康码。这基本上与我在先前声明中所述的流程相同。参见 Dkt. 459-1 号文件
8 第 5-6 页。第一步，进行 2 次核酸 rt-PCR 检测，并将阴性检测结果发送至相关中国大使
9 馆/领事馆进行审查和确认（两次检测应间隔 24 小时）。显然，证人必须痊愈以及检测结
10 果呈阴性之后才能进行上述步骤，我理解这在某些情况下可能需要数周时间。下一步，在
11 收到中国大使馆或领事馆的康复确认后，证人必须接受为期 6 周的自我隔离和健康状况监
12 测。如果证人在此期间出现症状，其需要等到核酸 rt-PCR 检测结果呈阴性，并重新起算
13 6 周的隔离期间。¹⁵最后，在 6 周的隔离和监测期结束后，证人才可以开始上文所述的常
14 规行前手续并申请健康码。

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17 ¹⁴ 防疫健康码（国际版），申报说明与常见问题解答，“Q29. 中国籍乘客搭乘各
18 类包机、临时航班等非商业航班回国，须按要求进行核酸等相关检测，并及时通过防疫健
19 康码国际版上传检测证明等材料申领健康码。”
https://hr.cs.mfa.gov.cn/help_two/help-two/hs.html，最后访问日期 2022 年 6 月 8
20 日。

21 ¹⁵ 参见中国驻旧金山总领事馆，《赴华人员健康码申请通知》（2022 年 5 月 20 日
22 更新），“九. 针对有感染史的人员：

23 （1）如果您被诊断为感染新型冠状病毒或 rt-PCR 核酸检测呈阳性，您将被视为有
24 感染史。

25 （2）符合以下条件，您可以申请健康码：

26 -在美国的任何实验室，且取样时间间隔超过 24 小时的情况下进行两次 rt-PCR 核
27 酸检测，两次检测结果均呈阴性……

28 -在收到领事馆的关于痊愈确认的邮件后进行至少 6 周的自我隔离，填写‘六周自
我隔离声明’（附件 3）。如果您在自我隔离期间出现任何症状，如发热、咳嗽、腹泻，
请进行另一次 rt-PCR 核酸检测。如果结果呈阴性，则再进行 6 周的自我隔离。如果结果
呈阳性，您需要等到康复并重新完成整个过程。

12. 如证人在美国期间仅是密切接触确诊病例，或是在美国出现符合新冠的症状但是检测结果呈阴性，则其至少需要在美国停留 2 周以上的的时间，才能申请并获得健康码。证人必须进行为期 14 天的自我隔离，且在隔离的第 1、4、7 天分别进行核酸检测。待 14 天自我隔离结束且 3 次核酸检测结果均为阴性后，证人方可开始进行前述行前防疫检测程序，并申请健康码。¹⁶ 尽管中国个别城市的管控正在解除，但前述隔离和检测要求仍然有效。

13. 第六，假设晋华的证人幸运地在 7 月中旬登上返程航班，且没有因新冠病毒在美滞留，他们仍将遵守中国所有港口城市对入境旅客实施的强制性且长时间的隔离要求。证人可能在首次入境的港口城市 and 他们的居住城市被隔离。一般情况下，他们将在首次入境的港口城市（如上海、厦门、广州）被隔离 21 天。然后，如果其此前在存在中高风险地区的地或市被隔离，当证人前往其居住城市时（在本案中为晋江），其可能在指定酒店或家中被另行隔离 14 天。¹⁷ 例如，截至 6 月 8 日，上海仍有 21 个中风险地区，北京还有

-在完成上述程序后，请遵照本通知中的要求在登机前 24 小时和 12 小时内完成相应的检测，申请健康蓝码。如果检测结果仍呈阳性，您应重新进行前述步骤直到满足所有要求。

http://sanfrancisco.china-consulate.gov.cn/eng/zytz/202201/t20220109_10480334.htm, 最后访问日期 2022 年 6 月 8 日。

¹⁶ 参见中国驻旧金山总领事馆，《赴华人员健康码申请通知》（2022 年 5 月 20 日更新）：“十、针对密切接触者以及疑似症状人员：

（1）与确诊病例、疑似病例或者无症状感染者有未采取有效防护接触的人员为密切接触者，抗原检测呈阳性的人员也被认为是密切接触者；

（2）密切接触者或者有疑似症状的人员须进行为期至少 14 天的自我隔离。请自我监测健康状况，并在隔离期间第 1、4、7 天分别进行核酸检测。完成上述程序且检测结果均为阴性后，请遵照本通知中的要求，在起飞前 12 小时，24 小时之内完成相应的检测，申请健康蓝码等。如果检测结果仍呈阳性，您应重新进行前述步骤直到满足所有要求。” http://sanfrancisco.china-consulate.gov.cn/eng/zytz/202201/t20220109_10480334.htm, 最后访问日期 2022 年 6 月 8 日。

¹⁷ “对中高风险地区所在县（市、区）入（返）泉人员实施 14 天居家健康监测，其中，高风险地区所在县（市、区）入（返）泉人员第 1、3、7、10、14 天各进行一次核酸检测；中风险地区所在县（市、区）入（返）泉人员第 1、3、14 天各进行一次核酸检测。” http://www.gov.cn/zhuanli/2021yqfkgdzc/index.htm#，最后访问日期 2022 年 6 月 8 日。

1 1 个高风险地区 and 4 个中风险地区。如果证人从上海或北京入境中国，并被隔离在中高风
2 险地区的所在区，他们将在返回晋江后再被隔离 14 天。

3 14. 从美国飞往台湾并不能减轻证人的负担。虽然这可能有助于找到可选的回程
4 航班，但如果证人直接从美国飞至台湾，其仍需在台湾隔离 7 天，以及进行额外的 7 天
5 “自主健康管理”。此外，尤先生¹⁸在晋江生活和工作，最终需要重返工作岗位。他仍需
6 遵守上述隔离程序方可再次进入中国大陆。此外，我还注意到，目前台湾的新冠确诊病例
7 正处于高峰期。台湾 6 月 7 日刚刚报告了 82,973 例新增新冠确诊病例。¹⁹如果尤先生在作
8 证后返回台湾并在台湾被感染，他可能会在台湾滞留数周甚至数月，然后才能返回晋江。
9 同样，在他进入中国大陆后，他将面临与从美国返回时相同的隔离程序。因此，通过台湾
10 返回大陆的建议只会延长他的总的隔离时间。

11
12 我理解加利福尼亚州法律以及美国法律中关于伪证罪的处罚，我声明上述内容真实
13 无误。

14
15 于 2022 年 6 月 10 日在中国福建省晋江市签署。

16
17 By: 

18 郑进福
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25
26 ¹⁸ 晋华有两位台湾籍证人尤振富先生（Jeff Yu）和吴坤荣先生（Albert Wu）。本
27 案法院已知吴先生存在某些健康问题，并为此已批准他申请远程作证的请求。

28 ¹⁹ <https://www.cdc.gov.tw/Category/ListContent/EmXemht4IT-IRAPrAnyG9A?uaid=IiyTMEWzVV17nf3NKS7-1g>, 最后访问日期 2022 年 6 月 8 日。

签名认证

根据《民事地方规则》第 5-1(i)条，我证明本文件的任何其他签署人均已同意提交本文件，如有伪证，我将接受处罚。

/s/ Jack P. DiCanio

Jack P. DiCanio



Jinfu Zheng Declaration (English)

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FUJIAN JINHUA INTEGRATED CIRCUIT CO., LTD.

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

v.

FUJIAN JINHUA INTEGRATED CIRCUIT
CO., LTD., *et al.*,

Defendants.

CASE NO.: 3:18-cr-00465-MMC

**DECLARATION OF JINFU ZHENG
REGARDING TRAVEL FOR
DEFENDANT'S WITNESSES YOU
ZHENFU AND WU JUNSHENG**

Judge: The Honorable Maxine M. Chesney
Trial Date: February 28, 2022

1 I, Jinfu Zheng, declare and state as follows:

2 1. I do not speak English fluently and therefore make this declaration in my native
3 language of mandarin Chinese.

4 2. I am over twenty-one (21) years of age. I am a citizen of the People's Republic of
5 China ("China"). This declaration is based on my personal knowledge, information found from
6 publicly available sources, and Jinhua's local counsel. If called upon, I am fully competent to
7 testify to the matters set forth herein.

8 3. I am the Vice President of Defendant Fujian Jinhua Integrated Circuit Co., Ltd.
9 ("Jinhua"). I am responsible for overseeing Jinhua's legal affairs, including this case. I previously
10 submitted a declaration on May 2, 2022 to explain in more detail the difficulties that Jinhua's
11 witnesses You Zhenfu and Wu Junsheng would likely encounter if they were to travel to the United
12 States to testify before this court.

13 4. As I set forth in that declaration, there were several issues which may substantially
14 delay their return. *See* Dkt. 459-1. The majority of those issues still exist despite the easing of
15 COVID-related lockdowns in Shanghai and other parts of China. Based on my review, I believe
16 that even if the witnesses do not test positive for Covid and conditions continue to improve in
17 China, it will likely take the witnesses a minimum of approximately five weeks to return home.
18 In the worst-case scenario, however, it could take months before they could return home and
19 reunite with their families.

20 5. With respect to travel to the United States for trial, according to the information we
21 gathered on June 9, 2022 from various airlines, a flight booking website and discussions I had with
22 one travel agent,¹ I understand that there are tickets available for flights from China to San
23 Francisco such that Messrs. You and Wu could probably reach San Francisco by June 21. Due to
24 the shortage of direct flights, however, it will likely take them over 20 hours to reach San Francisco
25

26 ¹ The various search methods include phone inquiries with airlines that currently operate
27 direct flights between the U.S. and China, flight searches on the largest travel information
website in China, Ctrip (<https://www.ctrip.com/>), and inquires with at least one travel agent.

from Jinjiang, where they are currently located. As explained in my May 2, 2022 declaration, however, the principal obstacle with their travel is in returning from the United States to China.

6. First, at present, all passengers traveling from the United States to China still must take various COVID-related tests in the United States before boarding a plane to China. For instance, the Chinese Consulate General in San Francisco still requires China-bound passengers to take two nucleic acid rt-PCR tests within 24 hours before boarding, and one antigen test within 12 hours before departure. All of the above tests have to be taken at designated facilities in San Francisco,² and there are only two qualified facilities for the entire San Francisco Bay Area.³ I understand this process is similar if the witnesses return to China from other U.S. cities.⁴ All passengers have to submit negative test results to the Chinese Embassy or Consulate in order to obtain a “health code” before boarding.⁵ This health code is required for anyone to enter China, including non-Chinese nationals. No health code will be issued if the witnesses test positive in any of the required tests. If a passenger receives a positive test result, he or she will have to wait until they recover from COVID, and then wait an additional 6 weeks to re-do the above tests (*see infra* ¶ 11).

² Consulate-General of China in San Francisco official website, Notice on Application of Health Code for China-bound Passengers (Updated May 20, 2022), http://sanfrancisco.china-consulate.gov.cn/eng/zytz/202201/t20220109_10480334.htm, last visited on June 8, 2022.

³ See The List of the Covid-19 Nucleic Acid and Antigen Testing Institutions Accepted by the Chinese Consulate General in San Francisco, <http://sanfrancisco.china-consulate.gov.cn/eng/zytz/202110/P020220603442740723558.pdf>, last visited on June 8, 2022.

⁴ Chinese Embassy in the United States official website, Notice for China-bound Passengers (Updated May 17, 2022), http://us.china-embassy.gov.cn/eng/lsfw/sjc1/zytz_120351/202205/t20220518_10688672.htm, last visited on June 8, 2022.

⁵ See Chinese Embassy in the United States official website, Notice for China-bound Passengers (Updated May 17, 2022), “1. Passengers traveling to China must get their samples for the nucleic acid rt-PCR tests collected at the departure city of their direct flight to China... Upon receiving the reports, passengers need to apply for health code from the Chinese Embassy or Consulate General (based on consular jurisdiction), travel before it expires and be prepared for checking by the airlines before boarding.” http://us.china-embassy.gov.cn/eng/lsfw/sjc1/zytz_120351/202205/t20220518_10688672.htm, last visited on June 8, 2022.

7. Second, it is still difficult to secure tickets for Messrs. You and Wu on a return flight from the U.S. to China. The Chinese embassy and consulates in the U.S. only issue health codes to passengers who fly directly to China from the United States.⁶ Because of that, someone hoping to return to China from the United States cannot transit through a third country or region (e.g., Japan, Hong Kong, Thailand or Singapore). If they do so, they will be ineligible to receive a health code, and without a health code, they cannot enter China. Although Shanghai and other Chinese cities are easing Covid restrictions, this “direct travel” requirement is still in effect.

8. My understanding, based on the Chinese Embassy in the United States’ official website, is that there are still only nine flights which fly directly to China from any city in the United States.⁷ That means that if Jinhua’s witnesses came to testify in San Francisco, they could only return on one of these nine flights. According to the information we gathered on June 9, 2022, from various airlines, a flight booking website and discussions with a travel agent,⁸ flight tickets from the U.S. to China (economy or business class) remain scarce at least for June and early July. For reasons I explained in my previous declaration (tickets were sold out due to students being on

⁶ Chinese Embassy in the United States official website, Notice for China-bound Passengers (Updated May 17, 2022), “11. About transit

(1) The Embassy does not issue health code for passengers who fly from the U.S. to China by transiting in a third country (region).

(2) For passengers who transit in the U.S. and then fly directly to China:

- Health code will not be issued by the Embassy to passengers whose departure country has a direct flight to China...” http://us.china-embassy.gov.cn/eng/lsfw/sjc1/zytz_120351/202205/t20220518_10688672.htm, last visited on June 8, 2022.

⁷ See Chinese Embassy in the United States official website, Notice for China-bound Passengers (Updated May 17, 2022), the Chinese embassy and consulates in the U.S. issue health codes for the following direct flights: American Airlines (AA127, Dallas-Shanghai), Delta Airlines (DL283, Detroit-Shanghai, DL287, Seattle-Shanghai), United Airlines (UA857, San Francisco-Shanghai), Air China (CA988, Los Angeles-Beijing/Tianjin, CA770, Los Angeles-Shenzhen), China Southern Airlines (CZ328, Los Angeles-Guangzhou), Xiamen Airlines (MF830, Los Angeles-Xiamen), and China Eastern Airlines (MU588, New York-Shanghai). http://us.china-embassy.gov.cn/eng/lsfw/sjc1/zytz_120351/202205/t20220518_10688672.htm, last visited on June 8, 2022.

⁸ The various search methods include phone inquiries with airlines that currently operate direct flights between the U.S. and China, flight search on the largest travel information website in China, Ctrip (<https://www.ctrip.com/>), and inquiries with at least one travel agent.

summer vacation, limited seats and passenger load limits⁹, etc. *See* Dkt. 459-1 at 4-5), the earliest available return tickets are on July 8, from San Francisco to Shanghai. Other U.S.-China direct flights do not have any available tickets until sometime in late July. As a result the witnesses will have to stay in the U.S. for at least 3 weeks before they can book a flight to China.

9. Third, even if the witnesses are able to obtain timely air tickets to China and obtain the health codes required for travel, the flights may still be cancelled without warning at any time. According to the CAAC Notice on Trial Implementation of Adjusting the Circuit Breaker Measures for Scheduled International Passenger Flights issued by the Civil Aviation Administration of China (“CAAC”),¹⁰ if multiple confirmed COVID-19 cases are found on a China-bound flight, that flight shall be suspended for 2-8 weeks. If the witnesses’ booked flights are cancelled, they will have to re-book the earliest available tickets and re-do the pre-travel procedures required by the Chinese embassy and/or consulates, which will cause further delay in their return journey. In fact, two flight routes from the U.S. to China (the Los Angeles-Guangzhou route operated by China Southern Airlines and the Los Angeles-Xiamen route operated by Xiamen Airlines) were recently suspended due to this “Circuit Breaker Measure,”¹¹ which means even fewer return tickets will be available to Jinhua’s witnesses.

⁹ Due to the COVID outbreaks in Shanghai and other major cities in China, earlier this year, international flights arriving in those cities, including Shanghai were required to reduce their passenger loads. Shanghai currently is operating under a reduced passenger load of 60%. This is slightly better than it was in May (which was 40%), but still limits the availability of seats on flights to China.

¹⁰ *See* CAAC Notice on Trial Implementation of Adjusting the Circuit Breaker Measures for Scheduled International Passenger Flights, http://www.caac.gov.cn/XXGK/XXGK/TZTG/202104/t20210429_207386.html, last visited on June 8, 2022. For the English version, <http://www.caac.gov.cn/en/XWZX/202104/P020210429433858261746.pdf>, last visited on June 8, 2022.

¹¹ “...5 confirmed cases were found on flight MF830, which was operated by Xiamen Airlines and entered Xiamen on May 20 (Los Angeles to Xiamen, Friday). From June 6, 2 flights ... will be suspended respectively. 10 confirmed cases were found on flight CZ328, which was operated by China Southern Airlines and entered China on May 24 (Los Angeles to Guangzhou, Tuesday), 4 flights of this route will be suspended starting from June 13. The above-mentioned suspended flights shall not be used on other routes.” http://www.caac.gov.cn/XWZX/MHYW/202206/t20220601_213527.html, last visited on June 8, 2022.

10. Fourth, the Government suggested that Jinhua should charter a flight to solve the travel problem. However, that would not be a feasible solution. First, the cost of a charter flight between the U.S. and China is prohibitively high. Jinhua's U.S. counsel reached out to a travel agent, who advised that the quote for a private Jet from San Francisco to Shanghai is \$884,000.00 USD (direct flight) or \$665,000.00 USD (Flight with one stop). Moreover, I understand that the company that intends to charter a flight must obtain approvals such as a letter of receipt from a competent government office of the entry city.¹² Upon consultation with at least two travel agents, I was told that the application process was very time-consuming and approvals were rarely granted. I reached out to a number of government agencies of Quanzhou city (where Jinjiang is located) and Xiamen City (where there is an international airport), and I was told that they had no experience dealing with such applications. Nevertheless, I was advised that the Guidelines for Enterprises to Apply for Business Airplane to Enter China through Shanghai during the Epidemic Period ("the Guidelines") circulated by the Shanghai COVID-19 Epidemic Prevention Work Leading Group's office (applicable only to Shanghai enterprises) could serve as a reference. The Guidelines set out the basic procedures for similar applications. For example, an applicant must obtain at least 3-level approvals before it can fly a charter plane into Shanghai: (1) approval of the district government (where the enterprise is incorporated or its principal place of business is located); (2) approval of the Shanghai municipal government; and (3) approval of CAAC.¹³ I

¹² CAAC: Re-upgrade Guidelines for Epidemic Control and Prevention, Continue to Optimize Measures to Screen Imported Cases, "CAAC suspended all business charter airplanes flying from abroad before, with the development and changes of the international epidemic situation, CAAC timely adjusted the approval procedures for business charter flights in epidemic period and strictly controlled the approval of entry plans for business charter flights. Starting from March 25, for business charter flights that enter China to enforce the government's requirements, the applicant must provide a letter of proof issued by a department above provincial/ministerial level; for other business charter flights entering China, the applicant needs to provide the letter of receipt issued by the Joint Defense and Control Mechanism of the deputy provincial government where the destination airport is located." http://www.gov.cn/xinwen/2020-04/07/content_5499730.htm, last visited on June 8, 2022.

¹³ Shanghai COVID-19 Epidemic Prevention Work leading Group's Office, Guidelines for Enterprises to Apply for Business Airplane Entry through Shanghai during Epidemic Period (September 1, 2020), <https://www.gzw.sh.gov.cn/cmsres/8d/8ddb2c7fc34b46b7b524a780ac10e688/c88553ee0337a0b96aeea370ebac7a23.pdf>.

1 understand the application procedure in Fujian will likely be similar to that of Shanghai, if any.
 2 Furthermore, it is my understanding that all of the pre-travel requirements for China-bound
 3 passengers promulgated by Chinese embassy and/or consulates in the United States also apply to
 4 passengers of charter planes.¹⁴

5 11. Fifth, in addition to the difficulties of securing return tickets, potential infection of
 6 COVID-19 may also further delay Jinhua witnesses' home journey. If a witness is infected with
 7 COVID-19 while he or she is in the United States, has suspected symptoms, or is in close contact
 8 with an infected person, he or she will have to remain in the U.S. for an extended and uncertain
 9 period of time. More specifically, a person who is infected with COVID-19 will have to stay in
 10 the U.S. for at least around 7-8 weeks (including recovery time) and complete a three-step process
 11 before he or she can apply for and obtain a health code from the Chinese embassy or consulate
 12 necessary for returning to China. This is essentially the same process as I set forth in my prior
 13 declaration. *See* Dkt. 459-1 at 5-6. The first step is taking two nucleic acid rt-PCR tests and sending
 14 the negative test results to the relevant Chinese embassy/consulate for review and confirmation
 15 (the two tests should have a 24-hour interval). Obviously, the individual cannot take those tests
 16 until he or she has recovered from COVID-19 and tests negative, which I understand may take
 17 weeks in some cases. The next step is that, after receiving the recovery confirmation from the
 18 Chinese embassy or consulate, the individual must undergo a 6-week self-quarantine and health
 19 status monitoring period. If the individual develops symptoms during the period, he or she needs
 20 to wait until he or she has a negative nucleic acid rt-PCR test result, and re-start the six-week self-
 21 quarantine period.¹⁵ Finally, after the six-week quarantine and monitoring period is completed,

22 _____
 23 ¹⁴ Health Code (international version), Application Instructions and Answers for
 24 Frequently Asked Questions, "Q29. Passengers of Chinese nationality returning to China on
 25 various charter flights, temporary flights and other non-commercial flights, shall take nucleic
 acid tests and relevant tests as required, timely submit test reports and others via Health Code
 (international version) to apply for a health code." [https://hr.cs.mfa.gov.cn/help_two/help-](https://hr.cs.mfa.gov.cn/help_two/help-two/hs.html)
 two/hs.html, last visited on June 8, 2022.

26 ¹⁵ *See* Chinese Consulate-General in San Francisco, Notice on Application of Health
 27 Code for China-bound Passengers (Updated May 20, 2022), "9. For passengers with infection
 history."

(cont'd)

1 the individual can start the regular pre-travel procedures described above and apply for the health
2 code.

3 12. If a witness is in close contact with a confirmed COVID-19 case or has symptoms
4 consistent with COVID-19 while in the U.S., but tests negative, the person will have to remain in
5 the U.S. for at least 2 weeks before he or she can apply for and obtain a health code. The witness
6 has to go through a 14-day self-quarantine, with a nucleic acid tests on the 1st, 4th, and 7th day of
7 the quarantine, respectively. After the 14-day self-quarantine and if all three nucleic acid test
8 results are negative, such individuals can begin the pre-travel procedures described above before
9 boarding and apply for the health code.¹⁶ These quarantine and testing requirements are still in
10 place even though lockdowns in individual cities in China are being lifted.

11 _____
12 (1) If you were diagnosed with COVID-19 or tested positive for nucleic acid rt-PCR, you
13 are considered as having an infection history.

14 (2) You can apply for a health code if you meet the following requirements:

15 - Take two nucleic acid rt-PCR tests with a sampling interval of over 24 hours in any
16 laboratory in the U.S. and both tests return negative results...

17 - Take a self-quarantine for at least six weeks after receiving the approval email of the
18 recovery confirmation application from the Consulate and complete the 'Declaration on 6-Week
19 Self-Quarantine' (appendix 3). If you develop any symptoms such as fever, cough, diarrhea
20 during the self-quarantine, take another nucleic acid rt-PCR test. If the result is negative, start a
21 6 weeks quarantine again. If the result is positive, you will need to wait until you recover and
22 redo the whole process.

23 - After completing the above-mentioned procedures, please take required tests within
24 24 hours and 12 hours before departure following the requirements of this notice, and apply for
25 a Blue Health Code. If the test result is still positive, you will need to complete the previous
26 steps again until you meet all the requirements. "

27 http://sanfrancisco.china-consulate.gov.cn/eng/zytz/202201/t20220109_10480334.htm,
28 last visited on June 8, 2022.

¹⁶ See Chinese Consulate-General in San Francisco, Notice on Application of Health
Code for China-bound Passengers (Updated May 20, 2022), "10. For passengers who are close
contacts of confirmed COVID-19 cases or showing suspected symptoms.

(1) Passengers who have had unprotected contact with confirmed, suspected or
asymptomatic cases are considered as close contacts. Passengers with a positive antigen test
result are considered as close contacts as well.

(2) Close contacts or passengers showing suspected symptoms are expected to self-
quarantine for at least 14 days. Please monitor your health conditions and take nucleic acid rt-
PCR tests on the 1st, 4th, and 7th day of self-quarantine. After completing the above-mentioned
procedures and if all the tests results are negative, please take required tests within 24 hours
and 12 hours before departure following the requirements of this notice, and apply for a Blue

(cont'd)

13. Sixth, assuming Jinhua witnesses are fortunate enough to board a return flight to China in mid-July without being stranded by COVID-19, they will still be subject to compulsory and long quarantine requirements for inbound passengers imposed by all port cities in China. Witnesses may be quarantined in both the port city of first entry and their home city. Generally, they will be quarantined for 21 days at the port city of first entry (e.g., Shanghai, Xiamen, Guangzhou). Then, there may be an additional quarantine for 14 days in designated hotels or at home when the individual travels to his or her city of residence (in this case Jinjiang) if he or she was previously quarantined in a district or city with any medium-risk areas or high risk areas.¹⁷ For instance, currently there are still 21 medium-risk areas in Shanghai, and 1 high-risk area and 4 medium-risk areas in Beijing as of June 8. If a witness enters China from Shanghai or Beijing, and is quarantined in a district with designated medium- or high-risk areas, he or she will be quarantined for another 14 days after returning to Jinjiang.

14. Flying from the U.S. to Taiwan does not alleviate this burden. While it may help find available flights, the individual will still have to quarantine 7 days in Taiwan, with an additional 7 day “self-monitoring” period if an individual flies directly from the U.S. to Taiwan. Moreover, Mr. You¹⁸ lives and works in Jinjiang, and would need to return to work eventually. He would still need to go through the quarantine procedures above to re-enter mainland China. Additionally, I note that COVID-19 cases are skyrocketing in Taiwan at the moment. Taiwan just

Health Code. If the test result is still positive, you will need to complete the previous steps again until you meet all the requirements.”

http://sanfrancisco.china-consulate.gov.cn/eng/zytz/202201/t20220109_10480334.htm, last visited on June 8, 2022.

¹⁷ “For those who entering (returning) Quanzhou from high-risk areas, strictly implement the 14-day centralized medical observation measure; and for those entering (returning) Quanzhou from medium-risk areas, implement a 14-day medical observation at home measure (those who do not meet the conditions for medical observation at home will be transferred to centralized medical observation), and nucleic acid tests will be carried out on the 1st, 3rd, 7th, 10th and 14th days of the medical observation period. When (the medical observation) is lifted, nucleic acid testing shall refer to the nucleic acid testing requirements for inbound personnel.” http://www.gov.cn/zhuanti/2021yqfkgdzc/index.htm#/, last visit on June 8, 2022.

¹⁸ Jinhua has two Taiwanese witnesses, Mr. You Zhenfu (Jeff Yu) and Mr. Wu Kunrong (Albert Wu). As this Court has been made aware, Mr. Wu has certain health conditions and, as a result, the Court previously approved a request for him to testify remotely.

1 reported 82,973 confirmed new COVID cases on June 7.¹⁹ If Mr. You returns to Taiwan after the
2 testimony and becomes infected there, he may be stranded in Taiwan for weeks or even months
3 before he can return to Jinjiang. Again, after he enters mainland China, he will face the same
4 quarantine procedures as returning from the U.S. Thus, flying through Taiwan will only further
5 increase his total quarantine time.

6 I declare under penalty of perjury under the laws of the California and the United States of
7 America that the foregoing is true and correct.

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9 Executed on June 10, 2022, in Jinjiang City, Fujian Province, China.

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11 By: _____

12 JINFU ZHENG
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27 ¹⁹ <https://www.cdc.gov.tw/Category/ListContent/EmXemht4IT-IRAPrAnyG9A?uaid=IiyTMEWzVV17nf3NKS7-1g>, last visit on June 8, 2022.

SIGNATURE ATTESTATION

Pursuant to Civil Local Rule 5-1(i), I attest under penalty of perjury that concurrence in the filing of this document has been obtained from any other signatory to this document.

/s/ Jack P. DiCanio

Jack P. DiCanio

